THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 20421 of 2001

Date 30.08.2005

Between:

K.Laxmanachary.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C.,
Mancherial Bus Depot, Adilabad District.

.....RESPONDENT

The Court made the following Order:

The instant writ petition is filed seeking a direction to the respondent to accept the petitioner's joining report and issue order of appointment to him as Conductor as per the award passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani, in I.D.No.393 of 1990, dated 20.12.1993.

Alleging certain irregularities, a charge sheet was issued against the petitioner and after conducting enquiry, he was removed from service vide proceedings dated 05.03.1987. Aggrieved thereby, the petitioner preferred an appeal to the appellate authority. The said appeal was rejected by order dated 16.08.1998. As against the same, petitioner filed I.D.No.393 of 1990 before the Labour Court, Godavarikhani. By order dated 20.12.1993, the Labour Court partly allowed the I.D. ordering to appoint the petitioner as Fresh Conductor, but, however, denied backwages and continuity of service. It further observed that the award would come into force after 30 days of its publication and that the petitioner should approach the respondent within 30 days of the publication for getting the Order of Appointment. If the petitioner does not approach the respondent in time, he shall be deemed to have been dismissed and need not be appointed. The petitioner contends that though the copy of the award was despatched to the address of his counsel, he did not intimate about passing of the award and further due to shifting of the residence of his counsel from Peddaplly, he could not locate his address which resulted in delay in reporting for the duty. Therefore, he prays to direct the respondent to accept his joining report and issue order of appointment as 'Fresh Conductor'.

Heard the learned counsel for the petitioner.

Admittedly, the award was passed on 20.12.1993. If the award passed by the Labour Court, Godavarikhani, was not implemented when it has become final, this Court cannot act as an Executing Court and the alternative remedy is otherwise. The writ petition is wholly misconceived and is dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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30.08.2005

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